SITE SPECIFIC

PART 2 LOCAL PLAN (SSP2)

POLICY REVIEW FOR

DEFINED AND PROTECTED HOUSING

BACKGROUND PAPER

October 2019
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1. **Background**

1.1. The Kettering Borough Local Plan (KBLP) Plan period expired in 2001 but many of the policies continued to remain saved. Some policies were subsequently “unsaved” with adoption of the North Northamptonshire Core Spatial Strategy NNCSS (2008 – 2021) and the Kettering Town Centre Area Action Plan (KTCAAP) (2011 – 2021). More KBLP policies were replaced upon the Adoption of the North Northamptonshire Joint Core Strategy (2016 – 2031); those remaining were re-appraised leading to a withdrawal of more spent policies. Those continuing to serve a purpose remain saved under the original Direction from the Secretary of State.

2. **Introduction**

2.1. The Site Specific Part 2 Local Plan (SSP2), when Adopted, will form part of the North Northamptonshire Development Plan. It will supersede the old KBLP. The purpose of this paper is to provide an assessment for two saved policies from the KBLP to determine whether they should be reconsidered to progress as policy into the SSP2, or whether they should be revoked. The policies for review are:

- K15 Kettering: Character and Density in Defined Housing Areas and
- K16 Kettering: Protected Housing Areas

**K15 Kettering: Character and Density in Defined Housing Areas**

2.2. Defined housing areas are localities of particular residential character containing large dwellings in generous grounds and are often well-populated by mature trees. The division of a curtilage and infilling in these areas could have a negative impact on residential amenity. In addition, it can lead to both a loss of distinctive neighbourhood character and the range of housing available in the town. To avoid such detriment the KBLP included policy K15 to restrict development proposals in principal areas of low density housing. The policy wording for policy K15 is set out below: (see appendix 1 for mapping):

**K15. KETTERING: CHARACTER AND DENSITY IN DEFINED HOUSING AREAS**

Planning permission will not be granted for proposals for residential development involving redevelopment, infilling or the sub-division of a property's curtilage in the following areas:

- Gipsy Lane/Northampton Road;
- Warkton Lane/Poplars Farm Road;
- Headlands (South of Glebe Avenue)
K16 Kettering: Protected Housing Areas

2.3. A number of residential areas within the central area of Kettering are considered important with respect to retaining the vitality and character of the town centre. In addition, they provide a range of housing close to town centre facilities. Over time there has been an encroachment of non-residential uses in these localities which not only changes the appearance and character of these streets but leads to a reduction in housing stock available for town centre living. In addition, it can place unwanted pressure on residential amenity. To avoid further infringement the KBLP included policy K16 to protect housing areas from further encroachment of non-residential uses. The policy wording for policy K16 is set out below (see appendix 2 for mapping):

K16. KETTERING: PROTECTED HOUSING AREAS

Planning permission will not be granted for changes of use or redevelopment to non-residential uses within the following housing areas:

i. Queensberry Road, The Crescent;
ii. The Drive, The Grove, and 5-35 Bowling Green Road;
iii. Green Lane, Tennyson Road, York Road and St. Peter’s Avenue;
iv. Cromwell Road, Howard Street, Trafalgar Road, Commercial Road and Meadow Road;
v. 1-15 and 24-27 Eden Street;
vi. 1-13 Dalkeith Avenue;
vii. 13-25 West Street; and
viii. School Lane, Carrington Street and Victoria Street.

2.4. This Background Paper will continue by setting out the planning policy context for these two saved policies followed by a review of associated findings from the recent SSP2 consultation and an examination of how Development Management have used and currently use these policies. The information arising from these sources will be analysed to help determine whether the saved Local Plan Policies K15 and K16 should be taken forward into the emerging SSP2.

3. Planning Policy Analysis

National Planning Policy Framework (February 2019)

3.1. Chapter 2 of the NPPF establishes that the purpose of the planning system is to contribute to the achievement of sustainable development. The three objectives mutually pursued to achieve this are;

- Supporting strong, vibrant and healthy communities with particular reference to ensuring the provision of a range of homes located in a well-designed and safe built environment;
- Helping to build a strong, responsive and competitive economy and;
- to contribute to protecting and enhancing our natural, built and historic environment including making the most efficient use of land.
3.2. For plan-making this means that plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change.

3.3. Chapter 5 of the NPPF provides a focus on delivering a sufficient supply of homes. The importance of identifying land for homes is highlighted so planning policies should identify a sufficient supply and mix of sites taking into account their availability, suitability and likely economic viability. It goes on to state that plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

3.4. Chapter 6 pursues the objective to build a strong, competitive economy. Planning policies should help create conditions in which businesses can invest, expand and adapt. They should set out a clear economic vision and strategy that allows for a rapid response to changes in economic circumstances. Policies need to be flexible enough to accommodate needs not anticipated in the plan and allow for new and adaptable working practices (such as live-work accommodation). They should recognise and address specific locational requirements of different sectors.

3.5. Chapter 7 is about ensuring the vitality of town centres. Town centre boundaries should be defined and a range of suitable sites to meet the scale and development likely to be needed should be identified. Policies should recognise that residential development often plays an important role in ensuring the vitality of town centres. Residential development should be encouraged on appropriate sites.

3.6. Chapter 8 aims to achieve healthy, inclusive and safe places which promotes social interaction for example through mixed-use developments and strong neighbourhood centres.

3.7. Chapter 11 calls for planning policies to support development that makes an effective and efficient use of land to meet the need for homes and other uses. These should take into account the desirability of maintaining an area’s prevailing character and setting, or of promoting regeneration and change.

3.8. Chapter 12 establishes the importance of well-designed places. Planning policies should ensure that developments are sympathetic to local character and history and maintain a strong sense of place.

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1 NPPF (February 2019) Paragraph 11
2 NPPF (February 2019) Paragraph 67
3 NPPF (February 2019) Paragraph 70
4 NPPF (February 2019) Paragraph 80
5 NPPF (February 2019) Paragraph 81
6 NPPF (February 2019) Paragraph 82
7 NPPF (February 2019) Paragraph 85
8 NPPF (February 2019) Paragraph 91
9 NPPF (February 2019) Paragraph 122
10 NPPF (February 2019) Paragraph 127
North Northamptonshire Joint Core Strategy (2011 – 2031)

3.9. The North Northamptonshire Joint Core strategy (JCS) is the strategic Part 1 Local Plan for Kettering Borough Council and the neighbouring local authorities in Corby, Wellingborough and East Northamptonshire. It outlines the ‘big picture’ for the development and regeneration of North Northamptonshire, the detail of which is to be developed through the Part 2 Local Plans.

3.10. Policy 8 of the JCS sets out place shaping principles. It provides a checklist of the key issues that need to be considered by development when creating sustainable places. The checklist sets out an approach that will ensure development provides connected places, creates safe and pleasant streets, delivers adaptable, diverse and flexible places, fashions a distinctive local character and ensures quality of life and safe and healthier communities.

3.11. Policy 11 establishes the network of urban and rural areas. As a Growth Town^{11} Kettering’s role is defined to provide a focus for major regeneration and growth in employment, housing, retail and higher order facilities.

3.12. Policy 12 aims to ensure that the vitality and viability of town centres are supported by securing and maintaining a vibrant mix of retail, leisure, employment and cultural facilities. In addition, they should support the provision of additional residential use on appropriate sites. Of the 10,400 residential dwellings to be provided in Kettering Borough over the plan period^{12} at least 6,190 will be located in the Growth Town of Kettering as determined by Policy 29 on the distribution of new homes.

Kettering Town Centre Area Action Plan (2011 – 2021)

3.13. KTCAAP is the current development plan for the Kettering town centre. It is succinct and provides a positive vision for the central area up to 2021. It provides a framework for addressing housing needs and other economic, social and environmental priorities and as required by the NPPF, it is positively prepared in a way that is aspirational but deliverable^{13}.

Regeneration through KTCAAP

3.14. The regeneration of the Plan Area is based on the development of 8 distinct urban quarters (see appendix 3). These are identified in Policy 2 in tandem with the general development principles, regeneration priorities and the urban codes. This policy approach is to ensure that development within the Plan Area brings about vitality and viability; protects and enhances the character of the area; protects the amenity of existing and future residents; improves accessibility and connectivity and incorporates sustainable design in accordance with the requirements of the North Northamptonshire Sustainable Design SPD.

^{11} JCS (2011-2031) Table 1 p76
^{12} JCS (2011 – 2031) Policy 28: Housing Requirements
^{13} NPPF (February 2019) Paragraph 16
3.15. Each quarter has an established primary use e.g. The Shopping Quarter, New Residential Quarter and Cultural Quarter but uses are not limited to these. Policies 15 to 24 set out a course of action that will realise the potential of each quarter and lead to a mixed-use town centre. Any transition between quarters will respect the character and use of the adjacent quarters.

3.16. Policy 2 provides a progressive approach by advocating a vertical, mix-use strategy where the proposed use would complement the primary use of the quarter e.g. residential or office uses over a retail outlet in The Yards or residential with the possibility of live / work units located in the New Residential Quarter.

3.17. The KTCAAP policy direction is consistent with Chapter 2 of the NPPF and Policy 8 of the JCS. The Plan positively seeks opportunities to meet the development needs of Kettering Town and it is sufficiently flexible to adapt to rapid change.

**Economic**

3.18. KTCAAP pursues the objective to build a strong, competitive economy through a number of policies and land allocations: Policy 3 determines the Primary Shopping Area and supporting principles; Policy 4 determines the quantity of net additional office space and the focus of provision and policies 15 to 24 set out specific allocations. Collectively the policies help create conditions in which businesses can invest, expand and adapt. This is a consistent approach supporting the requirements in Chapter 6 of the NPPF and Policy 11 in the JCS.

**Residential**

3.19. The JCS has determined that the Growth Town of Kettering will provide 6,190 new homes during the Plan period. KTCAAP allocates approximately 1,000 of these in the Plan Area over the plan period. It provides allocations through policies 15 to 24 and sets out expectations with respect to the residential mix, affordable housing and parking requirements. The allocated sites are considered to be available, suitable and achievable (economically viable) for housing development by across two phases: Short / Medium Term Site Scheme: 2010 to 2016 and Medium to Long Term Site Scheme: 2017 – 2021. The policies recognise the important role residential development plays in ensuring the vitality of the town centre. At the same time they provide the flexibility to accommodate needs not anticipated in the plan and allow for new and adaptable working practices (such as live-work accommodation).

3.20. KTCAAP provides a policy approach that recognises the importance of allocating residential opportunities in a town centre location that will promote social interaction through vibrant, mixed development that will ensure the vitality and viability of Kettering’s town centre is supported. It reflects the ambition of Chapters 5 to 8 and 11 in the NPPF and policies 8, 11 and 12 in the JCS.

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14 The methodology and justification for site selection is set out in the Kettering Town Centre Area Action Plan: Topic Papers (Retail Site Selection; Commercial Site Selection; Housing) (October 2009)
Town Centre Boundary

3.21. KTCAAP revised the town centre boundary for Kettering that was previously contained in the Local Plan for Kettering Borough (LPKB) (1995). The realignment means that some streets identified through the Protected Housing Area policy are no longer inside the town centre boundary namely: York Road, Tennyson Road and St Peter’s Avenue. In addition, the boundary line cuts the Green Lane element in half and properties on Alexandra Street, Albert Street, Mill Road Passage and Mill Road have also been excluded.

3.22. Section 38(5) of the Planning and Compulsory Purchase Act 2004 states: “If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be)”. As such, any conflict between the Local Plan (1995) the JCS and KTCAAP must be resolved in favour of the JCS then KTCAAP.

Site Specific Part 2 Local Plan – Draft Plan Consultation (June 2018)

3.23. Policies K15 and K16 were carried forward into the Site Specific Part 2 Local Plan referred to as KET01: Defined Housing Areas and KET02: Protected Housing Areas respectively. The consultation ran from June to July in 2018. Comments were received with respect to both policies through this mechanism. In addition, Development Management Officers were consulted specifically on the two policies and whether they found either policy (or both) still fit for purpose. This paper will continue by setting out the consultation findings in light of each individual policy.

4. Consultation Findings

K15: Defined Housing Areas

4.1. Of the 29 responses received that related to the Kettering and Barton Seagrave Chapter in the SSP2 Consultation Draft six registered a response with respect to Policy K15. Two identical responses registered strong agreement to protect the residential integrity of the Headlands. They sought policy wording that would prevent curtilage division prior to an application to develop. In response to this comment the revised policy continues to stipulate that infilling through the division of a curtilage or garden development will be resisted. In addition, the same respondents requested the policy wording be strengthened around change of use, an act which, in their view, fundamentally changes the residential character that K15 is designed to protect.

4.2. This recommendation was considered when reviewing the content of K15. Refinements were made to the policy so that it is clearly worded to ensure the protection of the distinctive townscape and to retain the range of family dwellings in a town centre location.
4.3. This latter point is consistent with current government policy which seeks to increase housing supply, not diminish it and to secure the provision of a range of homes. It is worth noting that there are no permitted development rights enabling a change of use from residential to anything other than residential. This reduces any risk of un-regulated change of use as a planning application would be required in the first instance.

4.4. On the basis of the refinement and strengthening of the policy wording and the requirement of a planning application for any proposal requiring change of use it is deemed unnecessary to make further amendments to the policy wording. The development management process has the tools that will seek to protect the area in the spirit of the newly refined policy.

4.5. The two respondents above raised a question on why 62 Headlands was only partially included in the boundary. A desk-top analysis was undertaken followed by a site visit on 28th October 2019. These investigations found that some development through back garden division has already taken place to the rear of the Headlands resulting in Ostlers Way and Ostlers Gardens. Despite these new developments the integrity relating to the character and density of the Headlands remains in-tact as access for the new dwellings is to the rear of the Headlands.

4.6. An investigation into the planning history revealed an outline permission for two dwellings was granted in 2018 in the back garden of No. 62. Again, access would be to the rear of the property through Ostlers Gardens which would not impact on the integrity of the Headlands frontage.

4.7. The analysis concluded that it would be inappropriate to extend the existing Defined Housing Area boundary around no. 62. This is because the principle of planning has already been accepted to the rear of No. 62 though the outline application. Furthermore, the existing developments of Ostlers Way and Ostlers Gardens have not negatively impacted upon the character and density of the Headlands frontage. As such the integrity of the Defined Housing Area is retained and there can be no reasonable justification to refuse development to the rear of No. 62 where the principle of development has already been established.

4.8. Three responses, two of which were virtually identical in the writing, supported the inclusion and definition of the area around the Fire Station. The respondents suggested that there should be a cross referencing between KET01 (SSP2 revised policy numbering for K15) and KET06 requiring the development of the Fire Station to respond to the character of the area. It was believed that this would also limit the density future development on the Fire Station site to no more than 17 dwellings.

4.9. Policy KET06 (Kettering Fire Station) sets out the development principles to shape the future development of the site. It states that development proposals will reflect that of the surrounding area and provide no harm to the local vernacular. This provides sufficient policy direction to ensure any future development responds sympathetically to the character of the surrounding area without the need of cross referencing Policy KET01.
4.10. However, to ensure that the density fits in with the surrounding area the yield in policy KET06 has been revised from 17 to 13.

4.11. The final comment queried why similar areas [of town], in terms of age and content, such as Paradise Lane / Spinney Lane / Paradise Avenue were excluded from the Defined Housing Area. A site visit was undertaken to this location on 28th October 2019.

4.12. This concluded that the area did not present the same degree of character and density as those currently supported by policy K15. The dwellings are more closely drawn and the age ranges from historical dwellings to those of modern day where redevelopment has taken place on an existing plot. The mix is somewhat eclectic from small bungalows to larger, detached family homes. The roads and pavements do not provide the space or feel created by wide roads and pavements, the grass verges, mature trees and garden hedges of those located in the Defined Housing Area. The Paradise Lane area is individual in terms of its character but does not reflect the spirit of policy K15.

K16: Protected Housing Areas
4.13. Of the 29 consultation responses received that related to the Kettering and Barton Seagrave Chapter in the SSP2 Consultation Draft just two registered a response with respect to Policy K16. The responses, which were almost identical, stated their strong support for the protection of the residential nature of Queensberry Road, The Crescent and The Drive [as listed in K16]. Both went on to request a boundary extension to take in 44 to 50 Headlands as these ‘form a coherent block of residencies and changing any one of them would detract’.

4.14. Queensberry Road, The Crescent and The Drive referred to in the responses are located in the Headlands Quarter (Policy 24) of the KTCAAP. No development sites are identified within the Headlands Quarter as the key objective is to preserve and enhance the existing historic and residential character and the appearance and heritage assets of the area. It states that the focus for any A2 (Financial and Professional) and B1 (Office) development, is within the Station Quarter and the upper floors of the Primary Shopping Area.

4.15. Policy 24 uses a criteria-based approach to ensure its objectives can be delivered. As part of this it highlights that any new development would need to accord with the heritage principles set out in Policy 12: Heritage, Conservation and Archaeology. Policy 12 is explicit in the objective to preserve and or enhance the existing historic environment. It emphasises that both the Kettering Conservation Area Appraisal (2007) and the Urban Codes Supplementary Planning Document (2011) will be key documents when considering proposals.

5. Consultation Findings – Development Management Team
5.1. The response from the Development Management Team highlighted that neither policy is applied frequently.
5.2. K15 has been used in two appeals where the main issue was about the effect of the proposal on the character and appearance of the area. In both cases the Council’s policy approach was upheld by the Planning Inspectorate\textsuperscript{15}.

5.3. K16 has not been used as part of an appeal and only one officer could recall actively using the policy when determining an application.

6. Conclusions

**K15: Character and Density in Defined Housing Areas**

6.1. The policy analysis illustrates that the policy direction is consistent with national, sub-regional and local policy approaches. With respect to the public consultation of the SSP2 Draft Plan, six respondents supported the retention of the policy from the KBLP to the emerging SSP2. In response to comments received from the public consultation policy wording on both K15 and KET06 has been refined to strengthen the policy approach.

6.2. Site visits and desk-top analysis were undertaken in response to comments about expanding the Headlands boundary to include No. 62 Headlands and whether a new area should be proposed for Paradise Lane, Paradise Avenue and Spinney Gardens. The conclusion found that as development was already approved in principle for No. 62 it would be inappropriate to extend the boundary. With respect to the area of Paradise Lane, it was determined that while the character of the neighbourhood was individual and varied it was not consistent with the outlook policy K15 in terms of character and density.

6.3. The consultation with Development Management Officers found that not only is the policy being used but it has been upheld as a policy approach in two appeal cases.

6.4. On the strength of the evidence above it is deemed appropriate to retain Policy K15 carrying a refined and strengthen policy approach forward from the KBLP into the emerging SSP2.

**K16: Protected Housing Areas**

6.5. The preparation of KTCAAP has been based on previous studies\textsuperscript{16} in the context of the National Planning Policy Framework and the North Northamptonshire Joint Core Strategy with a specific remit to regenerate the town centre. During this iterative process Policy K16 has, to all intent and purpose, been scoped out of the Kettering Town Centre Area Action Plan. Instead, the approach has been to revise the town centre boundary from the 1995 iteration and to develop ‘zones’ that provide distinctive functions which when combined together form an integrated and coherent whole.

\textsuperscript{15} KET/2017/0713 (refused by notice 14/11/17); KET/2014/0696 (refused by notice 18/12/14)

\textsuperscript{16} Kettering Masterplan (2005), Kettering Town Centre Framework (2007); The Western Quarter Masterplan
6.6. KTCAAP is positively prepared and is consistent with the national and sub-regional policy directions. Conversely, Policy K16 has a restrictive and preventative approach; it lacks the flexibility sought by the NPPF to enable adaptation to rapid change and it therefore conflicts with the requirements of the NPPF.

6.7. Only two consultation responses out of 29 made specific reference to Policy K16. They expressed their support for the protection of the residential nature of the locality making specific reference to Queensberry Road, The Crescent and The Drive. The policy approach set out in KTCAAP for the Headlands Quarter is positively written; it does not disallow development, but it is explicit in its objective to retain the existing historic and residential character of the area. It clearly states that A2 (Financial and Professional) and B1 (Office) development should be directed to the Station Quarter. And it sets out that any development proposal that might come forward would need to accord with Policy 12: Policy 12: Heritage, Conservation and Archaeology. Therefore, it is considered that sufficient protection is afforded to Queensberry Road, The Crescent and The Drive through KTCAAP.

6.8. The Development Management Officer responses found that only one Officer recalled using K16 and no appeals had been won on the strength of it.

6.9. In conclusion it is deemed that KTCAAP provides policy approaches superseding the objectives of Policy K16. Therefore, the retention of this policy in the next iteration of the SSP2 plan is not considered necessary.
Appendix 1: K15 Character and Density in Defined Housing Areas
Appendix 3: Kettering Town Centre Area Action Plan – Boundary and Urban Quarters